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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,102	04/25/2001	Kenji Suzuki	401165	4985

23548 7590 05/17/2007

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EXAMINER	
ENGLAND, DAVID E	
ART UNIT	**PAPER NUMBER**
2143	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,102	SUZUKI ET AL.	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/28/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 2, 4 – 8 and 10 – 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4 – 8 and 10 – 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1, 2, 4 – 8 and 10 – 16 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 4 – 8 and 10 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voth (6351821) in view of Circo (4677614) in further view of Ando et al. (6185217) (hereinafter Ando).

4. Referencing claim 7, as closely interpreted by the Examiner, Voth teaches a periodic control synchronous system for synchronizing periodic control between a controller connected in a network and devices connected said network, wherein said controller includes a first global timer, (e.g. col. 4, lines 34 – 53);

5. a control period timer which controls a control period for periodic control of said controller, (e.g. col. 4, lines 34 – 53);

6. a time stamp providing unit which provides a periodic transfer packet with a time stamp showing synchronous timing time of the control period designated by said control period timer using global time indicated by said first global timer, (e.g. col. 5, lines 33 – 49); and

7. a transmitting unit which transmits the periodic transfer packet provided with the time stamp to said devices, (e.g. col. 5, lines 33 – 49), and

8. each of said devices includes a second global timer controlled through said network, (e.g. col. 6, lines 15 – 31); and

9. a periodic control unit which synchronizes operation period of said device with the control period using the synchronous timing time of the periodic control indicated by the time stamp of the periodic transfer packet transmitted by said transmitting unit and global time indicated by said second global timer, (e.g. col. 6, lines 32 – 54).

10. Voth does not specifically teach an operation period timer which controls operation period of said device itself and;

11. a comparing unit which compares the synchronous timing time of the periodic control indicated by the time stamp of the periodic transfer packet transmitted by said transmitting unit and the global time indicated by said second global timer; and

12. which determines a time difference between the synchronous timing time of the periodic control indicated by the time stamp compared by said comparing unit and the global time indicated by said second global timer, and determines a timer correction value of said operation control period timer based on the time difference,

13. wherein said operation period timer is corrected by said comparing unit based on the timer correction value at a synchronous timing indicated by said operation period timer.

14. Circo teaches an operation period timer which controls operation period of said device itself and, (e.g. col. 14, line 57 – col. 15, line 35);

15. a comparing unit which compares the synchronous timing time of the periodic control indicated by the time stamp of the periodic transfer packet transmitted by said transmitting unit and the global time indicated by said second global timer, (e.g. col. 14, line 57 – col. 15, line 35); and

16. which determines a time difference between the synchronous timing time of the periodic control indicated by the time stamp compared by said comparing unit and the global time indicated by said second global timer, and determines a timer correction value of said operation control period timer based on the time difference, (e.g. col. 14, line 57 – col. 15, line 35).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Circo with Voth because it would be more accurate for the device to accommodate for the latency from the transfer time to the arrival time of the packet to achieve as close to the time designated by the master global time.

18. Ando teaches wherein said operation period timer is corrected by said comparing unit based on the timer correction value at a synchronous timing indicated by said operation period timer, (e.g., col. 4, lines 40 – 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ando with the combine inventions of Voth and Circo because utilizing a type of time correction value allows one to synchronize said nodes in spite of a transmission time delay, column 5, lines 9 et seq.

19. As per claim 8, as closely interpreted by the Examiner, Voth teaches said controller comprises a latch unit which latches the global time of said first global timer, and holds the timer latched, (e.g. col. 4, lines 34 – 53), and

20. said control period timer latches the global time of said first global timer in said latch unit at the synchronous timing of the periodic control indicated by said control period timer, (e.g. col. 4, lines 34 – 53), and

21. said time stamp providing unit provides the periodic transfer packet with the time stamp having the global time latched by said latch unit, offset by a portion of the control period, (e.g. col. 4, line 54 – col. 5, line 6).

22. As per claim 10, as closely interpreted by the Examiner, Voth teaches said comparing unit which detects whether the time difference is within an allowable range, (e.g. col. 13, line 54 – col. 14, line 4),

23. corrects said operation period timer based on the timer correction value or the timer period correction value when the time difference is within the allowable range, and does not correct said operation period timer when the time difference is outside of the allowable range, (e.g. col. 14, lines 5 – 23).

24. Referencing claim 11, as closely interpreted by the Examiner, Voth teaches said comparing unit which resets said operation period timer when the global time indicated by said second global timer reaches the synchronous timing time of the periodic control indicated by the time stamp, (e.g. col. 4, line 54 – col. 5, line 6 & col. 6, lines 32 – 54).

25. Referencing claim 12, as closely interpreted by the Examiner, Voth teaches said comparing unit resets said operation period timer when reaching the synchronous timing

indicated by said operation period timer before the global time indicated by said second global timer reaches the synchronous timing time of the periodic control indicated by the time stamp, and resets said operation period timer again later when the synchronous timing time of the periodic control indicated by the time stamp at least reaches the global time indicated by said second global timer, (e.g. col. 4, line 54 – col. 5, line 6).

26. Referencing claim 13, as closely interpreted by the Examiner, Voth does not specifically teach said comparing unit which detects whether the time difference between the synchronous timing time of the periodic control indicated by the time stamp compared by said comparing unit and the global time indicated by said second global timer at the synchronous timing indicated by said operation period timer is within an allowable range, and does not correct said operation period timer when the time difference is outside of the allowable range.

27. Circo teaches said comparing unit which detects whether the time difference between the synchronous timing time of the periodic control indicated by the time stamp compared by said comparing unit and the global time indicated by said second global timer at the synchronous timing indicated by said operation period timer is within an allowable range, and does not correct said operation period timer when the time difference is outside of the allowable range, (e.g. col. 14, line 57 – col. 15, line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Circo with Voth because it would be more accurate for the device to accommodate for the latency from the transfer time to the arrival time of the packet to achieve as close to the time designated by the master global time.

28. Referencing claim 14, as closely interpreted by the Examiner, Voth does not specifically teach said comparing unit determines the timer period correction value of said operation period timer from the time difference between the synchronous timing time of the periodic control indicated by the time stamp and the global time indicated by said second global timer, and thereby corrects said operation period timer based on the timer period correction value.

29. Circo teaches said comparing unit determines the timer period correction value of said operation period timer from the time difference between the synchronous timing time of the periodic control indicated by the time stamp and the global time indicated by said second global timer, and thereby corrects said operation period timer based on the timer period correction value, (e.g. col. 14, line 57 – col. 15, line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Circo with Voth because it would be more accurate for the device to accommodate for the latency from the transfer time to the arrival time of the packet to achieve as close to the time designated by the master global time.

30. Claims 1, 2 and 4 – 6 are rejected for similar reasons as stated above.

31. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voth in view of Circo in further view of Ando and what is well known in the art.

32. Referencing claim 15, as closely interpreted by the Examiner, Voth, Circo and Ando teach all that is similar in nature in claim 7, but does not specifically teach a second global timer for said devices connected to said second network. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to add a second global timer for said devices connected to said second network, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.,* 193 USPQ 8.

33. Referencing claim 16, as closely interpreted by the Examiner, Voth teaches first latch unit which latches the global time of said first global timer, and holds the timer latched, (e.g. col. 4, lines 34 – 53), and

34. said control period timer latches the global time of said first global timer in said latch unit at the synchronous timing of the periodic control indicated by said control period timer, (e.g. col. 4, lines 34 – 53), and

35. said time stamp providing unit provides the periodic transfer packet with the time stamp having the global time latched by said latch unit, offset by a portion of the control period, (e.g. col. 4, line 54 – col. 5, line 6). Voth does not specifically teach a second latch unit which latches the global time of said second global timer, and holds the time latched. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second latch unit which latches the global time of said second global timer, and holds the time latched, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.,* 193 USPQ 8.

Response to Arguments

36. Applicant's arguments with respect to claims 1, 2, 4 – 8 and 10 – 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
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